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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 MATTHEW L. FRASE,

11 Plaintiff,

12 v.

13 U.S. BANK, N.A., et al.,

14 Defendants.

CASE NO. C11-1293JLR

ORDER EXTENDING
TEMPORARY RESTRAINING
ORDER AND SETTING
BRIEFING SCHEDULE

15 This matter comes before the court on the joint motion and stipulation to extend
16 briefing deadlines and continue the temporary restraining order (“TRO”) hearing filed by
17 Plaintiff Matthew L. Frase and Defendants U.S. Bank, N.A. (“U.S. Bank”) and Mortgage
18 Electronic Registration Systems, Inc. (“MERS”) (Dkt. # 16). The court GRANTS the
19 parties’ joint motion.

20 On August 8, 2011, the court granted Mr. Frase’s motion for a TRO preventing
21 U.S. Bank, MERS, and Defendant LSI Title Agency, Inc. (“LSI”) from going forward
22 with the August 12, 2011 trustee’s sale of his home. (TRO Order (Dkt. # 4).) The court

1 directed Mr. Frase to serve Defendants with the order by no later than Thursday, August
2 11, 2011; ordered Defendants to respond to the motion by no later than Wednesday,
3 August 17, 2011; and set a hearing on Mr. Frase's motion for a preliminary injunction on
4 August 22, 2011. (*See id.* at 7-8.)

5 Mr. Frase timely filed proof that he had served Defendants with the TRO Order.
6 (*See* Dkt. ## 8-10.) On August 15, 2011, counsel for U.S. Bank and MERS appeared in
7 this action. (Dkt. # 14.) As of this writing, LSI has not yet made an appearance.

8 On August 17, 2011, Mr. Frase, U.S. Bank, and MERS filed the instant joint
9 motion and stipulation. (Dkt. # 16.) The parties request that court extend the briefing
10 deadlines in this case by one week and continue the preliminary injunction hearing to a
11 date no earlier than August 29, 2011. (*Id.* at 4-5.) Counsel for U.S. Bank and MERS
12 represents that she has not yet received necessary materials from her clients and is,
13 therefore, unable to respond appropriately to Mr. Frase's motion. (*Id.* at 3.) U.S. Bank
14 and MERS consent to a 14-day extension of the TRO to accommodate the extended
15 deadlines. (*Id.*) Mr. Frase consents to U.S. Bank and MERS's request. (*Id.* at 4.)

16 Federal Rule of Civil Procedure 65(b)(2) provides that a TRO "expires at the time
17 after entry—not to exceed 14 days—that the court sets, unless before that time the court,
18 for good cause, extends it for a like period or the adverse party consents to a longer
19 extension." Fed. R. Civ. P. 65(b)(2). The rule further provides that the reasons for
20 extending the TRO must be entered in the record. *Id.* Here, the court finds good cause to
21 extend the TRO based on the parties' representations regarding the need for additional
22 time to prepare for the TRO hearing. Further, U.S. Bank and MERS consent to an

1 extension of the TRO. For these reasons, the court GRANTS the parties' joint motion to
2 extend briefing deadlines and continue the TRO hearing (Dkt. # 16) and ORDERS as
3 follows:

4 (1) The TRO is extended by 14 days pursuant to Fed. R. Civ. P. 65(b)(2).
5 Defendants are enjoined and restrained from proceeding with the trustee's sale of Mr.
6 Frase's property until further order of the court. This order shall remain in effect until
7 5:00 p.m. on September 5, 2011, unless it is extended by the court for good cause or by
8 consent of the parties, or is dissolved upon motion by Defendants. Fed. R. Civ. P.
9 65(b)(2), (3), (4);

10 (2) A hearing on Mr. Frase's motion for a preliminary injunction shall be held
11 on Thursday, September 1, 2011, at 1:30 p.m., pursuant to Fed. R. Civ. P. 65(b)(3);

12 (3) Defendants shall file a response to Mr. Frase's motion by no later than
13 Wednesday, August 24, 2011. Mr. Frase may file a reply by no later than Monday,
14 August 29, 2011;

15 (4) Upon request by Defendants, the court may require Mr. Frase to provide
16 reasonable security in the event a preliminary injunction is issued, as required by Fed. R.
17 Civ. P. 65(c); and

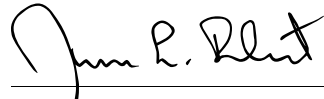
18 (5) Mr. Frase shall promptly serve LSI with a copy of the parties' joint motion
19 and stipulation (Dkt. # 16) and a copy of this order.

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1 Dated this 18th day of August, 2011.

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4 JAMES L. ROBART
5 United States District Judge
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